

## **Section 20: Administrative Fees and Penalties**

### **20.01 COUNTY ZONING ADMINISTRATOR**

#### **20.01.1 Designation**

The County Zoning and Personnel Committee shall appoint a County Zoning Administrator for the administration and enforcement of the provisions of this ordinance. The County Zoning Committee may authorize the Town Chairman of each township to appoint a Deputy Zoning Administrator to assist in the enforcement and administration of this ordinance. Compensation for the Deputy Zoning Administrator will be the responsibility of the town.

The Zoning Administrator may delegate to the Deputy Zoning Administrator any of the duties listed in Section 20.01.2. The Zoning Administrator shall have the power to, cause, rescind, or alter any action of a Deputy Zoning Administrator, and may also suspend their powers under this ordinance until the next regular meeting of the Zoning Committee. Upon appointment of a Deputy Zoning Administrator by a Town, the Zoning Committee shall, at its next regular meeting, vote to approve or deny said appointment. The Zoning Committee shall have the power to dismiss Deputy Zoning Administrators at any time, for cause.

#### **20.01.2 Duties**

In administering and enforcing this ordinance, the County Zoning Administrator shall be responsible for the following duties:

- (1.) Provide necessary forms for applications for use permits.
- (2.) Issue land-use permits, conditional-use permits under this ordinance where the provisions of this ordinance have been complied with.
- (3.) Maintain files of applications, permits, and other relevant information.

#### **20.01.3 Powers**

The County Zoning Administrator and duly-appointed deputies shall have the powers and authority including, but not limited to, the following:

- (1.) At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
- (2.) Upon reasonable cause or question as to proper compliance, to revoke any land-use permit and issue cease and desist orders requiring the cessation of any structure, moving, alteration, or use which is in violation of the provisions of this ordinance.
- (3.) Recommend prosecution and act after conferring with the Zoning Committee to prosecute violators of this ordinance and issue citations pursuant to 20.05.2 hereunder.
- (4.) Refer to town deputies, or to town boards, for investigation, report, or mediation, complaints filed with the County Zoning Administrator, that by their nature, might best be dealt with in initial stages at the town level.

### **20.02 STATE REVIEW AND FLOOD PLAIN AMENDMENTS**

A copy of the public hearing notice together with a copy of the application and resulting decisions for appeals, conditional-use permits, variances, and amendments within Shore Land and Flood Plain areas shall be forwarded to the district office of the Department of Natural Resources for review. The methods and procedures for this review shall be agreed upon in writing between the County Zoning Committee and/or Board of Adjustment and the DNR. Upon agreement, the methods and procedures shall be

adopted by the County Zoning Committee and/or Board of Adjustment as official rules of procedure.

### **20.03 ZONING PERMITS**

Zoning Permits will be issued to insure compliance with provisions of the ordinance. No structure shall be built, moved, or structurally altered, until a land-use permit has been issued by the zoning office. No permit is required, though regulations must still be complied with, or internal structural alterations or structure repair to an existing structure for any construction of under \$1,000 market value, unless such work would create a nonconformity. Routine repair and maintenance shall not require a permit. Market value is defined as what materials and labor together would cost if contracted out to a qualified contractor for the same work, or what an assessor would place as value using an accepted assessment practices handbook.

#### **20.03.1 When Required**

Except where another provision of this ordinance specifically exempts certain types of development from this requirement (as in sections 5.32.1(a.), and 20.03.4 Metallic Mining Permits), a zoning permit shall be obtained from the zoning office before any new development, (development as defined in Section 23), or any change in the use of an existing structure or structure, is initiated.

#### **20.03.2 Application**

An application for a zoning permit shall be made to the zoning office upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following data:

- (1.) Name and address of the applicant, property owner, and contract/builder.
- (2.) Legal description of the property, type of proposed use, and an indication as to whether new construction, or a modification to an existing structure is involved.
- (3.) Site Development Plan
  - (A.) The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
    - (B.) Location, dimensions, area, and elevation of the lot.
    - (C.) Location of the ordinary high-water mark of any abutting navigable waterways.
    - (D.) Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways.
- (4.) Location of any existing or proposed on-site sewage systems or private water supply systems.
  - (A.) Name and address of applicant and property owner.
  - (B.) Legal description of the property, fire number, and type of proposed use.
  - (C.) A sketch of the dimensions of the lot and location of structures relative to the lot lines, centerline of abutting highways and the ordinary high-water mark of any abutting watercourses. All lot lines and their dimensions shall be on the plot plan of application. Accurate measurements for setbacks. A scale is not necessary, however, distances need to be indicated.
  - (D.) Location and description of any existing private water supply or sewage system, or notification of plans for any such installation.
  - (E.) Application will be granted or denied at the time of submitting, based on facts on the paper application. However, an on-site inspection shall be necessary after footings have been installed. A permit to be posted and permission to proceed with structure will be issued or denied as necessary for compliance.

#### **20.03.3 Expiration of Permit**

(1.) Zoning permits issued in Shore Land/Wetland shall expire twelve (12) months from date issued if no substantial work has commenced.

#### **(2.) Expiration of Mining Operations Permit**

A Mining Operations Permit shall expire on the earlier of (1) the date when the Department issues a certificate stating that reclamation of all mining facilities has been completed, pursuant to *Wis. Stats.* 293.63, or (2) if construction has not begun, five (5) years after (a) the mining operator withdraws its application for a permit under *Wis. Stats.* 293.37, or (b) a state or federal permit necessary for the mine is denied and such denial becomes final, or (c) the mining operator gives notice that it will not proceed with its project.

#### **20.03.4 Conditional-Use Permit**

When the use being applied for is listed as a "conditional use", the zoning administrator shall issue a conditional-use permit in lieu of the land-use permit. This permit shall be issued only after approval from the Zoning Committee, after a public hearing and after provisions of the conditional-use section of the ordinance have been complied with. The Zoning Committee may attach certain conditions that shall be met as a condition of approving the permit.

#### **20.03.5 Planned Development Permit**

This permit is issued for planned developments, complying with all requirements in Section 15. The PUD Permit shall include land use and conditional-use permits which are required for all structures and uses identified to be included as part of the planned development.

#### **20.03.6 Mining Operations Permits**

A Mining Operations Permit shall be required for metallic mining operations (as defined in *Wis. Stats.* 293.01(9.)), development in connection with metallic mining operations, the construction and reclamation of facilities associated with metallic mining operations regulated in this ordinance. Applications for Mining Operations Permits shall be made to the zoning administrator and may be granted by county board. A Mining Operations Permit may not be used until all necessary permits and approvals have been issued under this section, under Section 15 Planned Unit Development District if applicable, and by state and federal governments, including permits required by *Wis. Stats.* 293.37 and, if applicable, *Wis. Stats.* ch. 30 or 31, or Section 404 of the Clean Water Act, 33 U.C. Section 1344. If any metallic mining operation is not listed as a permitted use in Section 5.32.1 and is proposed to be located in a Shore Land/Wetland area, that area must be rezoned, in compliance with Section 5.33 before any construction can occur.

##### **(1.) Application for a Mining Operations Permit**

All applications for Mining Operations Permits shall be filed with the zoning administrator and shall contain:

- (A.)** Name and address of applicant and property owner.
- (B.)** Legal description of the property.
- (C.)** A copy of the mining plan as submitted to the Department pursuant to *Wis. Stats.* Section 293.37(2.)(a.).
- (D.)** A description of facilities to be constructed or operated within the Shore Land zoning jurisdiction, to the extent they are known at the time of the application.
- (E.)** Of the proposed development requires tree and shrubbery cutting, a cutting plan describing the location of structures, gradient of the land, existing vegetation, proposed cutting and proposed replanting.
- (F.)** If proposed development required filling, grading, lagooning, dredging, ditching or excavating, a descriptive plan is required.
- (G.)** If the proposed development includes development regulated by Flood Plan Zoning Section 5.40, a plan is required.

##### **(2.) Standards Applicable to Mining Operations Permits in passing upon a Mining Operations Permit, the county board shall evaluate the effect of the proposed development upon:**

- (A.)** The maintenance of safe and healthful conditions.
- (B.)** The prevention and control of water pollution including sedimentation.
- (C.)** The matters described as the purposes of *Wis. Stats.* Section 281.31, including the protection of spawning grounds, fish and aquatic life, the control of structure sites, placement of structures and land uses, and the reservation of shore cover and natural beauty.
- (D.)** Compliance with the purposes and standards of the Flood Plain Zoning Section 5.40.
- (E.)** The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
- (F.)** The location of the site with respect to existing or future access roads.
- (G.)** The need for a Shore Land location.
- (H.)** Its compatibility with uses on adjacent land.
- (I.)** The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal system.
- (J.)** For tree and shrubbery cutting, considerations or sound forestry practices and soil conservation practices.
- (K.)** For filling, grading, lagooning, dredging, ditching or excavating, considerations of erosion, sedimentation, and impairment of fish and wildlife habitat.

##### **(3.) Conditions Attached to Mining Operations Permits**

Upon consideration of the factors listed in Section b. above, the county board may attach such conditions to the Mining Operations Permit as may further the purposes of this ordinance, including:

(A.) For filling, grading, lagooning, dredging, ditching or excavating not within areas described in Section 5.21.1 and 2. of this ordinance, the applicable conditions described in Sections 5.20.1 1. through 4. of this ordinance.

(B.) For filling, grading, lagooning, dredging, ditching, or excavating within areas described in Section 5.21, and 5.22 of this ordinance, the applicable conditions described in Sections 5.24, through 5.26 of this ordinance.

**(4.) Notice, Public Hearing and Decision**

Before passing upon an application for a Mining Operations Permit, the county board shall hold a public hearing. Public hearing may be held in conjunction with the public hearing required by *Wis. Stats.* 293.41 and Section 15.04 of this ordinance. Notice of a public hearing, specifying the time, place, and matters to come before the county board, shall be given as a Class 2 notice under *Wis. Stats.* 985. A notice shall be provided in writing to appropriate district office of the Department at least ten (10) days prior to the hearing. At the public hearing, any person may appear in person or be represented by an attorney or agent. The Mining Operations Permit shall be granted or denied by resolution of the county board. A copy of the resolution shall be submitted to the appropriate district office of the Department within ten (10) days after it is adopted.

(5.) Violations of this section of the Forest County Zoning Ordinance shall be treated the same as all other violations per Section 20.05 hereof.

**20.03.6 Application Procedure**

Applications for land-use or conditional-use permits shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the structure or structure.

**20.03.7 Expiration**

If within twelve (12) months of the date of issuance of a land-use or conditional-use permit the proposed construction or preparation of land for use has not commenced, said permit shall expire, except that the zoning administrator may grant an extension of such permit for a period not to exceed twelve (12) months upon the showing of valid cause and payment of another permit fee. No habitation shall be permitted in the basement of an incomplete dwelling in excess of twelve (12) months, except that such time may be extended by the zoning administrator if it is determined that there will be no health or safety problems, nor any adverse effects on surrounding property owners.

**20.03.8 Late Applications**

Any application for permits or variances received after the use change or construction being applied for has already been initiated shall be subject to an additional late application fee. The zoning administrator shall inspect the site of subject application prior to issuing a permit. Payment of a fee for late application shall not exempt the applicant from prosecution for violation of this ordinance.

**20.04 PERMITS REQUIRED**

Permit and Variance Fee Schedule as listed in the forest County Zoning Master List of Fees. (rev. 4/17/07)

**20.04.1** In the event the state should mandate that Forest County has to provide inspections for:

(1.) Footings.

(2.) Inside: electrical, plumbing, and structure inspections.

The fees will be raised accordingly through Zoning Committee approval.

**20.05 VIOLATIONS**

**20.05.1 Penalty For Violations**

Any person who violates this ordinance shall be subject to a fine plus costs of prosecution. Default of payment shall result in imprisonment in the Forest County jail for a period not to exceed six (6) months. The County may also seek injunctive relief and cause structure to be moved or removed. Each day the violation continues shall be considered a separate offense.

### 20.05.2 Citation Enforcement

To expedite the resolution of ordinance violations, the county board hereby adopts the Citation Enforcement Procedure authorized in Section 66.0113 (**Rev. 02/15/05**) *Wis. Stats.* for enforcement of this ordinance.

(1.) The adoption herein of the citation method of enforcement shall not preclude the county, or its officers authorized to issue citations hereunder, from proceeding under any other enforcement procedure that pertains to the subject matter addressed in the citation. Payment of the citation by a violator does not relieve the violator of the obligation to the ordinance, nor the obligation to remove what has been illegally installed. New citations may be issued for violations not corrected within one hundred twenty (120) days of a previous citation.

(2.) Amendments to this ordinance adopted after the date of adoption of the citation method shall, unless otherwise specified in the adopting resolution of the amendment, also be enforced by the citation method, and any separate deposit set within said amendments shall be incorporated hereunder.

(3.) The form of any citations shall conform to the criteria of Section 66.0113(1.) (b.). (**Rev. 02/15/05**)

(4.) The citations duly issued shall have the legal effect specified in Section 66.119 *Wis. Stats.* and shall confer subject-matter jurisdiction upon the circuit court for the county.

(5.) Any person issued a citation is hereby required to remit the amount provided therein in cash, certified check, money order, or credit or debit card: ACCEPTABLE TO THE COUNTY TREASURER, Forest County Courthouse, Attn: Clerk of Court, Courthouse, 200 East Madison Street, Crandon, Wisconsin 54520, by mail or in person.

Said clerk shall provide the person with a receipt for each such deposit received, with a copy to the zoning administrator. Upon order of the Zoning Committee, cash deposits, penalty assessment, and late payment forfeitures owing more than one hundred fifty (150) days may be added as a lien upon the property.

(6.) Required Cash Deposit and Penalty Assessment for Citation Issued:

**Deposit—15% penalty\***

Subject Matter	Amount	Assessment
Land-Use Permit	\$ 200.	\$ 30.
Failure to Plat	\$ 200.	\$ 30.
Shore Land		
Protection	\$ 200.	\$ 30.
Flood Plain Area	\$ 200.	\$ 30.

\*pursuant to Section 165.87 *Wis. Stats.*

### LATE PAYMENT FORFEITURE SCHEDULE

Subject Matter	Paid After Days	30	60	120
Land-Use Permit	(from date of Original Citation Issuance)	\$ 500	\$ 1,000	\$ 2,000
Failure to Plat		\$ 500	\$ 1,000	\$ 2,000
Shore Land Protection		\$ 500	\$ 1,000	\$ 2,000
Flood Plain Area		\$ 500	\$ 1,000	\$ 2,000
Sanitary Violation		\$ 500	\$ 1,000	\$ 2,000

(7.) Prior to issuing a citation under this section, the zoning administrator or any delegated deputy administrators under Section 20.02.1 hereof, shall attempt to gain compliance with the ordinance by issuing a Correction Letter. Upon failure to gain compliance, or a good faith start toward compliance, the administrator or delegate, shall issue the citation, delivered in person, by first-class mail, or by registered letter, as the administrator deems most effective.

(8.) Following issuance of a citation, the options and procedures open to the violator, including procedure on default, shall be as set forth in Section 66.119(3.) *Wis. Stats.*

## **Section 21: Duties of the Zoning Board of Adjustment Variances and Administrative Appeals ( Revised 4/20/2010 deleted and remade as a stand alone ordinance)**

## **Section 22: Amendment Procedure**

### **22.01 AUTHORITY**

The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time by ordinance in accordance with the *Wisconsin Statutes* Section 59.69 (5.). An amendment shall be granted or denied by the County Board only after a public hearing before the county Zoning Committee, and a report of its finds and recommendations has been submitted to the County Board.

### **22.02 INITIATION OF AMENDMENT**

**22.02.1** Amendments may be proposed by the County Board, by the County Zoning Committee or by any property owner in the area to be affected by the amendment, or by the Town Board in any town in which the county zoning ordinance is in effect.

**22.02.2** If filing for an amendment to the official zoning map, the petitioner filing the amendment shall submit with the application, a map showing the proposed change, a list containing the names of all property owners who own property within three hundred (300) feet of the property or properties proposed to be rezoned. Such list shall be obtained from the approved county tax rolls.

### **22.03 PROCESSING**

An application for amendment shall be filed with the County Clerk. The application shall be forwarded immediately by the County Clerk to the County Zoning Committee. Immediate notice of the petition shall be sent to the County Supervisors of any affected district. A report of all petitions made under this paragraph shall be made to the County Board at its next succeeding meeting. At such meeting of the County Board the petition shall be referred to the Zoning Committee for its consideration, report, and recommendations. The Zoning Committee shall call a public hearing on the amendment prior to making its recommendation.

### **22.04 NOTICE OF PUBLIC HEARING**

The County Zoning Committee shall send written notice of the proposed public hearing to all owners of real property that lies within three hundred (300) feet of the property on which the proposed zoning action is to take place. This notice shall be sent not less than ten (10) days prior to the date of the public hearing. The notice shall contain the time and place of the public hearing, the legal description and street or road address of the property involved, the legal description and street or road address of the property involved, and a statement of the proposed zoning action requested. Failure to receive such notice shall not invalidate the hearing, or the results thereof. A copy of the public hearing notice shall be mailed to the town clerk of each town affected by the proposed amendment at least ten (10) days prior to the date of such hearing.

### **22.05 TOWN ACTION**

If a town affected by the proposed amendment disapproves of the proposed amendment, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the Zoning Committee prior to, at, or within ten (10) days, after the public hearing. If the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the Zoning Committee may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.

### **22.06 DECISIONS**

The County Board, after receiving the report of the County Zoning Committee, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable *Statutes of the State of Wisconsin*, or it may refer it back to the Zoning Committee for further consideration.

### **22.07 NOTICE TO TOWNS**

Town Zoning Committees or Town Chairmen, if no such committee exists, shall be advised within ten (10) days of public hearing on any zone change with their township.

## **22.08 STANDARDS FOR ZONING MAP AMENDMENTS (REZONING)**

### **22.08.1 General**

A rezoning shall be in conformance with, or at a minimum, not in conflict with any adopted county plans or policies relating to land use. A rezoning may be enacted only if:

(1.) It can be shown that the current zoning places an unreasonable burden on the owner of the property to be affected.

(A.) The current zoning can also be shown to have been a mistake, (i.e., based on incorrect knowledge or assumptions about the land or existing uses in the area).

(B.) The current zoning is no longer necessary to protect any public interest.

(2.) There has been a significant change in circumstances since the property was zoned under the current district, and the desired rezoning action can be shown to be directly related to and appropriate for such new circumstances. New circumstances may consist of such items as new highways, or a major highway relocation, or a new sewage treatment systems where none existed before, or existing districts lacking space for further development.

The following conditions are not sufficient reasons to be considered a change in conditions:

(A.) A change in the intentions or wishes of the owner for use of the property.

(B.) Sale or pending sale of the property.

(C.) Removal of deed, lien, or other encumbrances on the property.

(D.) Expiration of one or more forest crop law contracts, woodland tax contracts, farmland preservation contract, or any other agreement or contract.

**22.08.2** Rezoning to Commercial (CM), or Industrial (IN) District status shall be made only in the case where adjacent land is being added to an existing district to allow for orderly expansion of existing commercial or industrial areas. New commercial or industrial areas, separate from existing areas, shall be set up as Planned Development Districts (see Section 15 of procedures).

## **Section 23:Definitions**

Unless specifically defined below, words and phrases used in this section shall have the same meaning as they have at common law and to give this section its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word “may” is permissive, “shall” is mandatory and not discretionary.

**A-Zones:** Those areas shown on the “Official Flood Plan Zoning Map” which would be inundated by the “regional flood” as defined below. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

**Accessory Structure or Use:** A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

**Access Site or Lot:** A parcel of land that is contiguous to a body of water (lake or river) which provides a means for waterfront access of back lot development.

**Angle of Repose:** The maximum slope or angle at which a material, such as soil or loose rock, remains stable (stable angle).

**Auto-Oriented Facilities For Commercial Use:** Any facility such as a parking lot, garage, driveway, or drive-up window that provides for customer vehicles on the lot.

**Back Lot:** A parcel of any size, whether or not improved or subdivided or platted, that does not abut the shoreline or ordinary high-water mark of a lake or river.

**Back Lot Development:** (Also known as lot pyramiding, keyhole development, or development funneling.) The practice whereby a lot, lots, out lot, common open space, or commonly-owned lot is used for waterfront access by a number of parcels, or lots, located away from or not contiguous to the water body.

**Bank:** The land surface abutting the bed of any navigable waterway which, either prior to any project or alteration of land contours or as the result of the proposed project or alteration, slopes or drains without complete interruption into the waterway (NR 340.02(2)).

**Basal Area:** The cross-sectional area four and one-half (4½) feet above ground expressed in square feet per acre of all trees with a diameter of five (5) inches or larger.

**Basement:** Any enclosed area of a structure having its floor subgrade, (i.e., below ground level) on all sides.

**Bed and Breakfast:** Lodging for compensation by guests who are tourists or occupants renting by the night, within a place of residence. Typically offering meals prepared by the resident as part of the room rental, including therein a private parking space, and regulated by the state as a Bed and Breakfast lodging facility. (See also Time-Share Condominium.)

**Best Management Practices (BMPs):** Practical and economically achievable practices for preventing or reducing non-point source pollution.

**Bluff Face:** That area riverward from the bluff line where slope toward the river equals twelve (12%) percent or more, with the horizontal interval of measurement not exceeding fifty (50) feet.

**Bluff Line:** A line along the top of a slope connecting the points at which the slope, proceeding away from a river or adjoining watershed channel and which is not visually inconspicuous, becomes less than twelve (12%) percent.

**Boathouse:** Any structure located on the same lot as the principal structure and used for protecting or storing of boats used for noncommercial purposes in conjunction with a residence, and not for human habitation.

**Boat Shelter:** A structure in navigable waters designed and constructed for the purpose of providing cover for a berth place for watercraft, which may have a roof, but may not have walls or sides. Such a structure may include a boat hoist, *Wis. Stats.* 30.01 (1. (C.)).

**Broad-Based Dip:** A surface drainage structure specifically designed to drain water from an access road while vehicles maintain normal travel speeds.

**Brush Barrier:** A sediment control structure created of slash materials piled at the toe slope of a road or at the outlets of culverts, turnouts, dips, and water bars.

**Buffer Area:** A designated area around a stream, lake, or water body of sufficient width to minimize entrance of chemicals (fertilizers, pesticides, and fire retardants, etc.) into a water body. The first thirty-five (35) feet of area from the water's edge landward where activity is regulated. (See Shore Land Zoning Regulations Section 5.0).

**Buffer Strip:** A parcel of land abutting on either side of a lot. It may be used for any purpose permitted by the zoning ordinance.

**Building:** See Structure.

**Building Line:** A point of which all setback requirements can be met.

**Bulkhead Line:** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, *Stats. of Wis.*, and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the flood way provisions of this ordinance.

**Campground:** Any public or private premises rented for day or overnight lodging by the day or week, not exceeding six (6) months per year; where the guest provides their own portable shelter, such as tents, motor homes, pull-behind camper trailer, or recreational vehicle, and where the facility often provides a central structure for use by guests to obtain or use potable water, toilet, shower, and possibly laundry facilities, and to purchase convenience supplies such as soap, food snacks, and beverages in containers. Any parcel or tract of land owned by a person, or the state or local



government, that is designed, maintained, intended, or used for the purpose of providing sites for non-permanent overnight use by four (4) or more camping units, or by one to three (1-3) camping units if the parcel or tract of land is represented as a campground.

**Camper Trailer:** A structure designed for human habitation and towed upon the highway by a motor vehicle. **Rev. 4/02**

**CEAV:** Current equalized assessed value.

**Channel:** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

**Check Dam:** A small dam constructed in a gully to decrease the flow velocity, minimize channel scour, and promote deposition of sediment.

**Clear-Cutting:** A silvicultural system in which all trees are harvested within a specified area in one operation.

**Club Or Lodge:** A structure used by an association of persons who are bona fide members, the use of such premises being restricted to members and their guests.

Confined Livestock Feeding:

**An operation on a plot of land on which livestock are kept year-round without grazing.**

**Contour:** An imaginary line on the surface of the earth connecting points of the same elevation. A line drawn on a map connecting the points of the same elevation. The steeper the slope, the closer the contour lines will be.

**County Zoning Agency:** A committee or commission created or designated by the county board under Section 59.69 (2)(a.), *Wis. Stats.*, to act in all matters pertaining to county planning and zoning.

**Crown:** A convex road surface of earth that allows runoff to drain to either side of the road prism.

**Crawl Ways Or Crawl Space:** An enclosed area below the first usable floor of a structure generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

**Culvert:** A metal, wooden, plastic, or concrete conduit through which surface water can flow under, or across, roads.

**Cumulative Effect:** The impact on the environment that results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such action.

**Cut-And-Fill:** Earthmoving process that entails excavating part of an area, and using the excavated material for adjacent embankments or fill areas.

**DBH:** Diameter at breast height: the average diameter (outside the bark) of a tree four and one-half (4½) feet above mean ground level.

**Development:** Any manmade change to improved or unimproved real estate, including, but not limited to, the construction of structures or accessory structures; the construction of additions or substantial alterations to structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.

**Disabled Person:** Any person with a physical or mental impairment that substantially limits one (1) or more of his/her major life activities.

**Disking (harrowing):** A mechanical method of scarifying the soil to reduce competing vegetation and to prepare a site to be seeded or planted.

**Drainage Structure:** Any device or land form constructed to intercept and/or aid surface water drainage.

**Drainage System:** One or more artificial ditches, tile drains, or similar devices that collect surface runoff or groundwater and convey it to a point of discharge.

**Drainage Way Or Non-Navigable Stream:** An area where the presence and action of water is evident by erosion or other easily recognized characteristics during the period when the ground is not covered with snow.

**Drive-Up Window:** Any facility that allows a customer, client, or patron to transact business, receive delivery of goods or services, make payments, or do any form of business without leaving his/her vehicle.

**Driving Access Road:** A privately-owned roadway or driveway for use by registered motor vehicles to access a water body.

**Dry Land Access:** A vehicular access route that is above the regional flood elevation and which connects land located in the flood plain to land outside the flood plain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

**Dwelling Unit:** A group of rooms constituting all, or part, of a dwelling, which are arranged, designed, used or intended for use as living quarters for one (1) family and not more than an aggregate of two (2) families.

**Duff:** The accumulation of needles, leaves, and decaying matter on the forest floor.

**Easement Road:** The right of the owner in one parcel of land, by reason of such ownership, to use the land of another for ingress and egress from his premises to a public street or road. (Rev. 11/04)

**Encroachment:** Any fill, structure, use or development in the flood way, or placed in an area that would be deemed a violation of this ordinance.

**Erodible Soils:** Soils that are likely to have high soil loss when exposed to water runoff. Soils having a Natural Resources and Conservation Service (NRCS) erosion hazard rating of “moderate” or “severe” should be considered erodible. Erosion hazard ratings for different soil types are listed in the “Woodland Suitability” tables in NRCS soil survey manuals. Generally, forest soils occurring on fifteen to thirty-five (15-35%) percent slopes have a moderate rating and soils occurring on greater than thirty-five (35%) percent slopes have a severe rating. Contact your local NRCS office for more information.

**Erosion:** The process by which the surface of the earth is worn away by the action of wind or water in the form of raindrops, surface runoff, and waves.

**Existing Pattern Of Development:** Existing development of principal structures that are located at a similar distance from the ordinary high-water mark. In no instance shall less than five (5) principal structures be considered an existing pattern of development.

**Existing Structure:** A principal or non-principal structure in use at the time this ordinance is adopted.

**Existing Manufactured/Mobile Home Park Or Subdivision:**

A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots, including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and construction of streets, is completed before the effective date of this ordinance.

**Expansion To Existing Manufactured/Mobile Home Park:** The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of streets.

**Family:** One (1) or more persons related by blood, marriage, or adoption; or a group of not more than five (5) persons not so related, maintaining a common household in a dwelling unit.

**Federal Emergency Management Agency (FEMA):** The federal agency that administers the National Flood Insurance Program.

**Felling:** The process of cutting down standing trees.

**Fill Slope:** The surface formed where earth is deposited to build a road or trail.

**Fire Break:** Naturally occurring or human-made barrier to stop the spread of fire.

**Fire Line:** A barrier used to stop the spread of fire constructed by removing fuel or rendering fuel inflammable by use of fire retardants.

**Flood Or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas caused by:

(1.) The overflow or rise of inland waters.

(2.) The rapid accumulation or runoff of surface waters from any source.

(3.) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior.

(4.) The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

**Flood Frequency:** The probability of a flood occurrence which is generally determined from statistical analyses. The frequency of a particular flood event is unusually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

**Flood Fringe:** The portion of the flood plain outside of the flood way which is covered by flood waters during the regional flood, and generally associated with standing water rather than flowing water.

**Flood Hazard Boundary Map:** A map prepared by FEMA designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain flood way lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

**Flood Insurance Study:** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones, and regional flood evaluations, and may provide flood way lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory, and insurance aspects of the National Flood Insurance Program.

**Flood Plain:** The land that has been, or may be, hereafter covered by flood water during the regional flood. The flood plain includes the flood way, and the flood fringe as those terms are defined in ch. NR 116, *Wisconsin Administrative Code*.

**Flood Plain Island:** A natural geologic land formation within the flood plain that is surrounded, but not covered, by flood water during the regional flood.

**Flood Plain Management:** The full range of public policy and action for insuring wise use of flood plains. It includes everything from the collection and dissemination of flood data to the acquisition of flood plain lands, and the enactment and administration of codes, ordinances, and statutes for land use in the flood plain.

**Flood Profile:** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

**Flood Proofing:** Any combination of structural provisions, changes, or adjustments, to properties and structures, water and sanitary facilities, and contents of structures, subject to flooding for the purpose of reducing or eliminating flood damage.

**Flood Protection Elevation:** An elevation two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see Freeboard.)

**Flood Storage:** Those flood plain areas where storage of flood waters has been taken into account during analysis in reducing the regional flood discharge.

**Flood Way:** The channel of a river or stream and those portions of the flood plain adjoining the channel, that are required to carry and discharge the flood water or flood flows of any river or stream.

**Footprint:** The outline of the structure on the surface of the earth. **Rev. 08/11/09**

**Forest Road:** A temporary or permanent road connecting the most remote parts of the forest land to existing public roads. They provide access to forest lands for timber management, fish and wildlife habitat improvement, fire control, and a variety of recreational activities.

**Forestry Best Management Practices (BMPs):** Practices set forth in the manual titled *Wisconsin's Forestry Best Management Practices for Water Quality* (March 1995). BMPs are considered minimum standards in forest management in Forest County.

**Forestry:** The production and management of trees as a crop.

**Freeboard:** A flood protection elevation requirement designed as a safety factor that is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and flood ways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggregation of the river or streambed.

**Frontage Width:** (Water Frontage) The amount of linear water frontage of the lot measured at the ordinary high-water mark. The frontage width shall be measured perpendicular to the mean bearing of the side lot lines. (Road Frontage) The amount of linear road frontage of the lot measured at the roadway or access point. The frontage width shall be measured perpendicular to the mean bearing of the side lot lines.

**Geotextile:** A product used as a soil reinforcement agent and as a filter medium. It is made of synthetic fibers manufactured in a woven or loose non-woven manner to form a blanket-like product.

**Grade (gradient):** The slope of a road, trail, or lot expressed as a percentage of change in elevation per unit of distance traveled.

**Gross Floor Area:** For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the structure, or portion thereof, devoted to such use; including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities of the production or processing of goods, or to business or professional efforts.

**Group Camp:** An area, including structures, used for the accommodation of members of various organizations or groups for institutional, religious, recreational, or business purposes.

**Group Home:** A structure used by unrelated individuals and licensed by the State of Wisconsin Department of Commerce, or any public social service agency serving Forest County, as a residence for foster children, developmentally disabled individuals, or other persons which are mentally, physically, or socially handicapped.

**Habitable Structure:** Any structure, or portion thereof, used or is possible to be used for human habitation.

**Hearing Notice:** Publication or posting meeting the requirements of Chapter 985, *Wis. Stats.* Class 1 notice is the minimum required for appeals: Published once (1) at least one (1) week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: published twice (2), once each week consecutively, the last at least a week (7 days) before the hearing.

**Heavy Equipment:** Any vehicle, trailer, or mobile piece of machinery with a gross weight of eight (8) tones or more, or licensed for a gross weight of eight (8) tons or more.

**Height (structure):** Structure height is the vertical distance measured from grade to the highest point of the roof; adjacent to the street wall for flat roofs; to the deck line of mansard roofs; and, to the mean height between eaves and ridges for gable, hip, gambrel, or pent roof.

**High Flood Damage Potential:** Damage that could result from flooding that includes any danger to life or health, or any significant economic loss to a structure or structures, and its contents.

**Historic Structure:** (Federal rule October 1990) Any structure that is:

(1.) Listed individually in the National Register of Historic Places, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3.) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior.

(4.) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

**Home Occupation:** A gainful occupation conducted by a family and not more than two (2) employees in their place of residence where the space used does not exceed 50% of the gross floor area and is incidental to residential use. Such use shall not include the operation of any heavy machinery or the removal of sand, gravel, stone, topsoil, peat or moss for commercial purposes, or the serving of any beverages or food except as courtesy items. Off street parking area provided shall be maintained reasonably dustless and adequately screened from adjoining residential properties. (Rev. 11/12/08)

**Hotel:** A structure containing lodging rooms, a common entrance lobby, halls where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies and where more than fifty (50%) percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than a thirty (30) day period. (See also Resort, Motel, Bed and Breakfast, Time-Share Condominium.)

**Hunting Or Fishing Shelter:** A structure intended solely for fishing, hunting, or trapping, and only for temporary occupancy.

**Impervious Surface:** The footprint of structures or land areas where precipitation is essentially unable to infiltrate into the soil. Such surfaces include, but are not limited to: roadways and pathways that are paved, graveled, or compacted, roofs, patios, decks, and similar areas. (Excluding paving blocks and stones set in sand for pathways.)

**Increase In Regional Flood Height:** A calculated upward rise in the regional flood elevation, equal to, or greater than, one-hundredth (0.01) foot, resulting by a comparison of existing conditions and proposed conditions which is directly attributable to development in the flood plain, but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

**Intermittent Stream:** A stream that flows only after rainfall or snowmelt, and therefore, is dry most of the year.

**Island Access Lot:** Any lot abutting a navigable water body that provides a deeded access for one (1) or more island lots.

**Lake:** A still-water body which:

(1.) **Is navigable.**

(2.) Has an ordinary high-water mark.

(3.) Has a bed that indicates "reasonably permanent" surface water.

**Land Disturbance Activities:** Construction, grading, filling, excavating, or any other activities that result in the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased storm water runoff volumes or velocities, or increased total area of impervious surfaces.

**Land Use:** Any nonstructural use made of unimproved or improved real estate. (Also see Development.)

**Line of Navigation:** Three (3) foot depth contour or a greater depth contour if required for boats appropriate for use at a particular site on the waterway, based on the normal summertime navigation season, low levels on the waterway, or minimum levels for that season where established by DNR order.

**Local Or Neighborhood Commercial Use:** Commercial retail or service establishments that serve primarily a neighborhood, or area less than a township in size. Such uses include: eating and drinking places, groceries, gas stations, and general stores. The floor area of the principal structure shall not exceed two thousand five hundred 2,500 square feet.

**Lot:** A parcel, piece, or portion of land defined by metes and bounds, certified survey, recorded land subdivision plat or other means, and separated from other lots, parcels, or similar units by such description.

**Lot Area:** The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares and containing sufficient buildable land to meet requirements for access, structures with required setbacks, and other yards, and sanitary systems.

**Lot Coverage:** The maximum amount of land area that may be covered with structures, and with paving for drives or parking.

**Lot Frontage:** That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

**Lot Lines:** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

**Meander Line:** A survey line measuring straight, or at angles, to depict frontage on shorelines or lots of a meandering nature, where land is uneven.

**Metallic Mineral Mining:** All or part of the process involved in the mining of metallic minerals as the meaning set out in *Wis. Stats.* 144.81 (5.).

**Metallic Mineral Prospecting:** Engaging in the examination of an area for the purpose of determining the quality and quantity of metallic minerals, other than for exploration but including the obtaining of an ore sample, by such physical means as excavating, trenching, construction of shafts, ramps, and tunnels, and other means, other than for exploration, which the DNR, by rule, identifies, and the production of prospecting refuse and other associated activities. "Prospecting" shall not include such activities when the activities are, by themselves, intended for, and capable of, commercial exploitation of the underlying ore body. However, the fact that prospecting activities and construction may have use ultimately in mining, if approved, shall not mean that prospecting activities and construction constitute mining provided such activities and construction are reasonably related to prospecting requirements.

**Mineral Exploration:** The onsite geologic examination from the surface of an area by core, rotary, percussion, or other drilling, where the diameter of the hole does not exceed eighteen (18) inches, for the purpose of searching for metallic minerals or establishing the nature of a known metallic mineral deposit, and includes associated activities such as clearing and preparing sites or constructing roads for drilling.

**Minimum Lot Width:** The minimum lot width shall be measured at the ordinary high-water mark (meander line) on waterfront properties, road frontage, and structure setback line.

**Mining Operations Permit:** A permit authorizing development associated with metallic mining operations and the commencement, conduct, and reclamation of metallic mining operations in compliance with the permit required by *Wis. Stats.* Section 144.85 and other conditions as the county board may require pursuant to this ordinance.

**Minor Repairs:** Minor repairs include: replacement of siding, roofing, windows and doors, painting, and other general maintenance activities. Structural and foundation activities including: support beams, footings, concrete floors, posts, and pilings are not considered minor repairs. Vertical and horizontal expansions are not considered minor repairs.

**Minor Structures:** Any small movable accessory erection or construction such as: birdhouses, pet house, arbors under six (6) feet in height with no more than forty (40) square feet of structure area, walkways, interlocking paving stones set in sand no larger than three (3) feet in width.

**Mobile Home (single wide):** A factory built and inspected dwelling unit, complete with all exterior finishes and extensive interior finishes, and meant to be transported over public highways to a permanent foundation and utility hookup.

(1.) Units described in this ordinance as HUD-Certified whether for seasonal, or year-round occupancy, shall be no less than fourteen (14) feet of width and seven hundred twenty (720) square feet of floor area, and shall have been constructed and inspected on or after June 15, 1976, under 42USC 5401-5425 federal statutes. Non-certified units refer to those constructed before said 1976 date, however, they shall not be used in place of Recreational Vehicles.

**Mobile Home (double wide):** A factory built and inspected dwelling component, where individual units are not complete dwelling units, being components meant to be assembled to each other to make a complete dwelling on one floor level of at least twenty-four (24) feet in width. (Also see Modular Manufactured Home.)

**Modular Manufactured Home:** Factory built and inspected housing components, typically in three (3) or more sections, not containing extensive interior finishing, meant to be transported and then site assembled, often into more than one (1) floor level, and requiring some on-site local inspection, and when completed are indistinguishable, for practical purposes, from site-built housing. For purposes of this ordinance, such modular housing and site-built housing are regulated as being the same, being distinct from mobile homes, double-wide mobile homes, and recreational vehicles.

**Mobile Home Park:** Any lot on which more than one (1) mobile home is located.

**Motel:** A structure, or group of structures or cabins, containing rooms which are offered for compensation for the temporary accommodation of transients distinguishable from a hotel by each room often having doors directly to the outside, and featuring at least one (1) guest automobile parking space per room in the cost of the room rental, and where there is no permanent occupancy of any unit. (See also Resort, Bed and Breakfast, Time-Share Condominium.)

**Motor home:** A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home. **Rev. 4/02**

**Mulch:** A natural or artificial layer of plant residue or other materials covering the land surface that conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

**Multi-Family Unit Or Dwelling:** A group of more than two (2) physically attached dwelling units, located on the same lot.

**Municipality Or Municipal:** County, City, or Village governmental units enacting, administering, and enforcing this zoning ordinance.

**NGVD Or National Geodetic Vertical Datum:** Elevations referenced to mean sea level datum, 1929 adjustment.

**Navigable Waters:** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Section 281.31 (2)(m.), *Wis. Stats.*, notwithstanding any other provision of law or administrative rule promulgated thereunder, Shore Land

ordinances required under Section 59.692, *Wis. Stats.*, and ch. NR 115, *Wisconsin Administrative Code*, do not apply to lands adjacent to farm drainage ditches if:

(1.) Such lands are not adjacent to a natural navigable stream or river.

(2.) Those parts of such drainage ditches adjacent to lands that were not navigable streams before ditching.

(3.) Such lands are maintained in nonstructural agricultural use.

**Nonconforming Lot:** Any lot lawfully used, occupied at the time of the effective date of this ordinance or amendments thereto, which does not conform to the regulations of this ordinance or amendments thereto.

**Nonconforming Structure:** An existing lawful structure that is not in conformity with the dimensional or structural requirements of this ordinance. (For flood plains: An existing lawful structure that is not in conformity with the dimensional or structural requirements of this ordinance for the area of the flood plain that it occupies.) (For example: an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)

**Nonconforming Use:** An existing lawful use or accessory use of a structure or development that is not in conformity with the provisions of this ordinance. This includes the area of the flood plain that it occupies. (Such as a residence in the flood way.)

**Nonmetallic Mineral:** A product, commodity, or material consisting principally of naturally occurring, organic, or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to: stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc, and topsoil.

**Nonmetallic Mineral Deposit:** A body of nonmetallic minerals with sufficient areal extent, depth, and quality to establish a reasonable expectation for development.

Nonmetallic Mining Or "Mining" Means All Of The Following:

(1.) Operations or activities at a nonmetallic mining site for extracting from the earth of mineral aggregates, or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes: use of mining equipment or techniques to remove materials from in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading, and dredging. Nonmetallic mining does not include: removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees, or plant nursery stock.

(2.) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to: stockpiling of materials, blending mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping, and dewatering.

**Nonmetallic Mining Reclamation or Reclamation:** The rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan including: removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage, and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, and if practicable, the restoration of plant, fish and wildlife habitat.

**Nonmetallic Mining Refuse:** Waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Non-metallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

**Obstruction To Flow:** Any development which physically blocks the conveyance of flood waters such that this development by itself, or in conjunction with, any future similar development will cause an increase in regional flood height.

**Official Flood Plain Zoning Map:** The map, adopted, and made, part of this ordinance, as described in Section 5.41.2 (C.), which has been approved by the Department of Natural Resources and FEMA.

**Open Space Use:** Those uses having a relatively low flood damage potential and not involving structures.

**Ordinary High-Water Mark:** The point on the bank, or shore, up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation,



predominance of aquatic vegetation, or other easily recognized characteristics [Diana Shooting Club v. Husting, 156 Wis. 261 (1914)].

**Organic Debris:** Particles of vegetation or other biological material that can degrade water quality by decreasing dissolved oxygen and by releasing organic solutes during leaching.

**Perennial Stream:** A stream that flows throughout most, (i.e., >50%) more than fifty percent, of the year.

**Permanent Forest Processing:** Conducting or intending to conduct for a period of twelve (12) months or longer in one location, any operation involving the processing of logs or other parts of trees. This includes debarking, clipping, sawmills, log storage areas, areas for loading or unloading forest products, or related or similar types of operation.

**Person:** An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

**Petroleum Products Distribution And Storage Facilities:** A facility with a minimum of one thousand (1,000) gallons capacity wherein petroleum products are temporarily stored in tanks which are above ground.

**Pier:** Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berthing or mooring place for watercraft, or for loading or unloading cargo or passengers onto or from watercraft, and may include a temporary boat hoist without roof or walls.

Such a structure may include a boat shelter that is removed seasonally. (See Section 30.01 (5.), *Wis. Stats.*)

**Pier Head Line:** A surveyed line established by municipal ordinance and DNR approval that limits the water ward extent of piers in a water body (Section 30.13. *Wis. Stats.*).

**Principal Structure and Use:** The structure(s) or use(s) which are identified as the primary structure(s) on a given lot and which are not incidental to other structures or uses on the lot.

**Private Club:** A private business that may be licensed by the Wisconsin Department of Health and Family Services that includes dwelling units for short-term rental in one (1) or more permanent structures utilized principally for the accommodation of employees or club members.

**Private Road:** An area designated as a right-of-way available for use by one or more landowners who abut upon said right-of-way, but which right-of-way has not been dedicated to the public, not is intended to be used by the public. (Rev:11/04)

**Private Sewage System:** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Commerce including a substitute for the septic tank or soil absorption field, a holding tank, or an experimental system. A system serving more than one (1) structure, or a system located on a different parcel than the structure.

**Public Open Space:** Any publicly-owned open area including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

**Public Sewage Disposal System:** Sewers and sewage treatment facilities used in connecting therewith which are maintained and operated by a municipality or sanitary district.

**Public Utilities:** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, natural gas, and storm sewer.

**Pyramiding:** The act of obtaining or providing access to public bodies of water across private lots or lands in a manner that increases the number of families that have access to that water to a degree greater than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel back lot development from off-shore lands or residences via a narrow parcel of land to provide access to the water. Publicly owned access points shall not fall within this definition.

**Recreational Vehicle:** Any vehicle used for temporary or permanent human habitation, capable of moving on land under its own power, licensed by the State for road travel under forty-five (45) feet in length. **Rev. 4/02**

**Recreational Vehicle Park:** A campground also offering for motor homes and camper trailers such facilities as electricity hookup to rented spaces, vehicle sanitary waste disposal service, and motor vehicle fuel sales limited to guest vehicles (see also Campground).

**Regional Flood:** A flood that is expected to occur on a particular lake, river, or stream once in every one hundred (100) years. (Also called the one hundred-[100] year flood.)

**Residential:** See dwelling unit. Multi-family and one-(1) and two-(2) family structures as allowed by district.

**Resort:** A motel or hotel that also offers outdoor recreational and personal fitness activities and facilities as part of the room rental, such as swimming, fishing, boating, hiking/skiing/snowmobile trails, tennis courts, etc., and typically also offering a restaurant only for guests, with the meal cost included in the room rate. The guest rooms may include individual cabins dispersed about the grounds. (See also Hotel, Motel, Time-Share Condominium.)

**Riparian Management Zone (RMZ):** Land and vegetation areas next to lakes and streams where management practices are modified to protect water quality, fish and other aquatic resources. These areas are complex ecosystems that provide food, habitat, and movement corridors for both aquatic (water) and terrestrial (land) communities as well as helping to minimize non-point source pollution impacts to surface water.

**Riprap:** Rock or other large aggregate that is placed to protect stream banks, bridge abutments, outflow of drainage structures, or other erodible sites from runoff or wave action. Permit from the Department of Natural Resources is required.

**Rooming House:** A structure or groups of structures with rooms rented on a weekly or monthly basis, wherein each individual room does not have private kitchens, or bathroom facilities.

**Salvage Yard:** An open area or fenced-in enclosure, where used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. For the purpose of this ordinance, salvage yard included an auto salvage yard, but does not include uses established entirely within enclosed structures. Two (2) or more inoperative pieces of equipment shall constitute a salvage yard.

**Sand And Gravel Pit:** Any operation that extracts more than ten (10) cubic yards of nonmetallic material per year in one location, or that involves crushing, sorting, or washing of nonmetallic excavated materials. This does not include excavation used in construction and does not include stockpiling or storage of such material.

**Seasonal Residence or Seasonal Residential Structure:** A structure that is, or is not, capable of supporting continuous year-around human habitation that is used less than fifty (50%) percent of the year.

**Sediment:** Soil that has eroded from the land surface, often by overland water flow, and is then transported and deposited away from its original location.

**Select Cutting:** Timber harvest that leaves a minimum of sixty (60) square feet of basal area per acre in trees five (5") inches in diameter at breast height (DBH) and larger, evenly distributed. Trees smaller than five (5) inches in diameter shall be preserved to maintain underbrush growth and to protect the quality of the Shore Land buffer area.

**Setback:** The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, water line, or perspective line to the nearest vertical wall or other element of a structure or structure.

**Shooting Range:** An area designed and constructed for the discharge of firearms that is open for club members, or public use; including individually owned and used target and archery ranges where a fee is being charged. The sole use by the individual owner and the gratuitous use thereof by invitees of the individual owner, is not a shooting range for purposes of 16.46. All other shooting ranges shall meet the requirements of 16.46.

**Shore Land Lot:** With reference to lake area development, a lot that has frontage on navigable water and thereby is subject to a shoreline setback and regulations affecting conservation of the shoreline set forth in Section 5, Shore Land Regulations (also see Back Lot). Shore Land lots can be waterfront lots or back lots.

**Shore Lands:** Lands within the following distances from the ordinary high-water mark of navigable waters: One thousand (1,000) feet from a lake, pond, or flowage. Three hundred (300) feet from a river or stream, or to the landward side of the flood plain, whichever distance is greater.

**Shore Land/Wetland Zoning:** Created as a part of the Shore Land Zoning (Section 5) comprised of Shore Lands that are designated as wetlands on the wetland maps that have been adopted and made a part of this ordinance.

**Shore Yard:** Those lands within three hundred (300) feet of the ordinary high water mark of navigable water.

**Shore Yard Alteration Permit:** A permit issued under this Ordinance required to construct, fill, grade, lagoon, dredge, ditch, excavate or landscape in areas described as “shore yards”.

Rev. 4/02

**Side Yard:** A yard extending along a side lot line that does not front on a public street, or road, or water body. Rev. 4/02

**Sign:** A name, identification, description, display, or illustration that is affixed to, or painted or represented directly or indirectly upon a structure or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization, or business.

**Sill Plate:** A horizontal foundation, (stone or timber), on which a structure rests or attaches.

**Silt Fence:** A temporary barrier used to intercept sediment-laden runoff from small or large areas.

**Slash:** Any treetops, limbs, bark, abandoned forest products, windfalls, or other debris left on the land after timber or other forest products have been cut.

**Slope:** Degree of deviation of surface from the horizontal, measured as a numerical ratio, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise), as 2:1. A 2:1 is a fifty (50%) percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a ninety (90°) degree slope being vertical (maximum) and a forty-five (45°) degree slope being a 1:1 slope.

**Spot Zoning:** Zoning a relatively small area for uses significantly different from those allowed in the surrounding area to favor the owner of a particular piece of property. The Wisconsin Supreme Court has defined spot zoning as rezoning “...whereby a single lot or area is granted privileges which are not granted or extended to other land in the vicinity, in the same use district. Spot zoning is not necessarily illegal, but must be judged on individual circumstances.” Any map amendments that create an island, or isolated parcel of land for which one or more of the following conditions are met:

- (1.) A small parcel of land is singled out for special or privileged treatment.
- (2.) A map amendment not in the public interest, but only for the benefit or detriment of the landowner.
- (3.) The action is not in accord with the County Land Use Plan.

**Stand:** A contiguous group of trees sufficiently uniform in species composition, arrangement of age classes, and condition, to be a homogeneous and distinguishable unit.

**Stream:** A watercourse that:

- (1.) Has an ordinary high-water mark.
- (2.) Has a bed and banks.
- (3.) Flows, at least periodically.
- (4.) Has an easily identifiable beginning and end.
- (5.) Does not lose its character as a watercourse even though it may break up and disappear temporarily and reappear downstream.

**Street** (Avenue, Place, Road, Terrace, Parkway, Boulevard, or Court): A right-of-way of a required width, that affords a primary means of access to abutting property.

**Structure** any construction, production or piece of work artificially built up or composed of parts purposefully joined together and permanently set upon a foundation or permanently connected to utilities, except as further set forth herein. A “structure” excludes the following:

- a. Items connected to a single post or pole, such as signs, birdhouses, bird feeders, flags or other objects of like character, nature or use, even if attached to concrete.
- b. Items that are flat or protrude only slightly from the ground, such as sidewalks, paved paths, pedestrian or handicapped walkways, driveways, parking areas, patios, landscape features or other objects of like character, nature or use.
- c. Items relating to private utilities, such as wells, private on site waste treatment systems, utility lines and poles, LP gas tanks, or other objects of like character, nature or use.
- d. Items relating to permitted water activities, including piers, docks or other objects of like character, nature or use.

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**Substantial Improvement:** Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

(1.) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that existed before the improvement began, was identified by a municipal official, and is necessary to assure safe living conditions.

(2.) Any alteration of a designated historical (see definition) structure or site documented as deserving preservation by the Wisconsin State Historical Society, or is listed on the National Register of Historic Places, provided the alteration will not preclude the structure's continued designation as a historical structure (Rev. federal rule October 1990).

(3.) Ordinary maintenance repairs are not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include: internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alternation affects the external dimensions of the structure.

**Swimming Raft:** A floating platform without railing, roof, or walls that is adequately anchored to the bed of navigable waters and is designed for swimming, diving, and related activities (S, 30.01 (6.)(e.), *Wis. Stats.*).

**Time-Share Condominium:** Lodging for compensation by guests who are tourists or occupants renting by the night or week, within a place of residence, while the resident is not present. (See also Bed and Breakfast.)

**Topple Easement:** An agreement between the property owner and an affected adjacent property owner that allows for a reduced setback from the requirement set forth in Sec 4.04.1 of Forest County Zoning Ordinance dealing with wind or meteorological towers. **(Rev. 11/12/08)**

**Total Height:** The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. **(Rev 11/12/08)**

**Tourist- And Lake-Oriented Commercial:** Any local or neighborhood commercial activity or bait shops, sporting goods store, marinas, motels and resorts, souvenir and novelty shops, or other uses intended to serve lake users, tourists, or seasonal residents. Except for hotels, motels, and resorts, gross floor area of the principal structure shall not exceed two thousand five hundred (2,500) square feet.

**Tower:** The monopole, freestanding or guyed structure that supports a wind generator or meteorological equipment. **(Rev. 11/12/08)**

**Temporary Forest Processing:** Any operation similar to that described under Permanent Forest Processing but which does not continue or is intended to continue in one location for a period of longer than twelve (12) months.

**Truck Terminals:** A facility for loading, unloading, storage, and/or major repair of three (3) or more trucks or trailer units over eight (8) tons.

**Unnecessary Hardship:** Circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance. Under the terms Wisconsin case law [Snyder v. Waukesha County, 74 Wis. 2d 468 (1976)] hardship is present where, in the absence of a variance, no reasonable use can be made of the property.

**Variance:** An authorization granted by the Board of Adjustment to construct, alter, or use a structure in a manner that is inconsistent with the dimensional standards (not uses) contained in this ordinance.

**Visually Intrusive:** Clearly standing out from shoreline or non-shoreline background because of color or reflectivity when viewed from on the water or a roadway during the time when leaves are on deciduous trees.

**Warehouse:** A structure of over one thousand (1,000) square feet that is used primarily for storage.

**Water Access Lots:** Lots that provide waterfront access to other lots. Waterfront access lots include water access lots and island access lots.

**Water Line:** The shortest straight line at the waterfront end of a lake or stream lot that lies wholly within the lot, provided that not less than seventy-five (75%) percent of the length of such water line shall be on, or on the landward side of, the high-water mark of such lake or stream.

**Waterfront Lot:** Any lot that abuts a navigable water.

**Watershed:** The entire region, or area, contributing runoff or surface water to a particular watercourse or body of water.

**Water Surface Profile:** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating flood plain areas.

**Well:** An excavation opening in the ground made by digging, boring, drilling, driving, or other methods, for the purpose of obtaining groundwater regardless of its intended use.

**Wetland:** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic (water-loving) vegetation and which has soils indicative of wet conditions.

**Wharf:** any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft, or for loading or unloading cargo or passengers onto, or from, watercraft. (Section 30.01(8.), *Wis. Stats.*).

**Wholesale Establishments:** Establishments that sell relatively large quantities, especially to retail establishments, and not directly to consumers.

**Yard:** An open space on a lot that is unoccupied and obstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

**Zoning Administrator:** The official appointed to administer this ordinance, and whose duties are outlined in the administration section of the ordinance.

**Zoning Committee:** This is a committee of the Forest County Board of Supervisors and created by the Forest County Board of Supervisors, and will hereafter be referred to as the Zoning Committee.